

MEMO ENDORSED

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PRACTICE IN THE AREA OF EMPLOYMENT AND LABOR LAW

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VIA E-MAIL to: sullivanysdchambers@nysd.uscourts.gov

The Honorable Richard J. Sullivan
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/25/10</u>

May 21, 2010

Re: Maeve Lavery, Individually and On Behalf of All Others Similarly
Situating v. Alan Wasser Associates LLC, Creature Production
Company LLC, Immersion Edutainment America, LLC and Fader
Higher Management LLC
10 cv 1584 (RJS) (KNF)

Dear Judge Sullivan:

We represent plaintiff and the putative opt in class in the above-referenced matter. This letter is jointly submitted by all parties.

Pursuant to Your Honor's May 14, 2010 Order, the parties have agreed that this case may proceed on a collective action basis. The parties have also agreed to the categories of employees who will receive notice and that a third party settlement administrator will send the notices.

The parties are working on a proposed notice and would like to submit a revised case management plan that focuses discovery on the plaintiff and those who opt-into the case. The parties hope to agree on a proposed notice and revised scheduling plan that ties the

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discovery schedule to the date that the opt-in period expires and jointly request until May 27, 2010 to provide the Court with a proposed notice and revised scheduling order or a status letter that outlines any differences.

Respectfully,



Robert D. Lipman

RDL:ljt

cc: Joshua F. Alloy, Esq., Proskauer Rose LLP
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Bernard Plum, Esq., Proskauer Rose LLP
David A. Robins, Esq.

SO ORDERED

Dated:

5/24/10

RICHARD J. SULLIVAN
U.S.D.J.

